

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
ST. LOUIS DIVISION**

RONALD LEES, on behalf of Himself)
and other similarly situated,)
Plaintiff,) Case No. 4:13-cv-01411-SNLJ
v.) Hon. Stephen N. Limbaugh, Jr.
ANTHEM INSURANCE COMPANIES INC.,)
d/b/a ANTHEM BLUE CROSS BLUE SHIELD,)
Defendant.)

JOINT MOTION TO AMEND PRELIMINARY APPROVAL ORDER

Plaintiff Ronald Lees (“Plaintiff”) and Defendant Anthem Insurance Companies, Inc. (“Anthem”) (collectively, “the Parties”), by and through their undersigned counsel, hereby move this Court to amend its September 29, 2014 Preliminary Approval Order to provide for the additional time Claims Administrator needs to provide notice to the Settlement Class and to adjust the date for the submission of Claim Forms under the Settlement accordingly. In support of this Motion, the Parties state as follows:

1. On September 29, 2014 this Court entered the Preliminary Approval Order granting preliminary approval to the class-wide settlement in this matter. [D.E. #46]
2. Under the Preliminary Approval Order, the Court approved the appointment of KCC LLC as Claims Administrator. [D.E. #46 ¶ 6.] KCC was thus responsible for providing notice to the Settlement Class, as set forth in the Parties’ Settlement Agreement and Preliminary Approval Order.
3. Under the Preliminary Approval Order, the Court set as the deadline for KCC to provide Mail Notice, Publication Notice, and Website Notice as 30 days from entry of that Order (i.e. October 29, 2014). [D.E. #46 ¶ 8.]

4. Despite the best effort of the Parties and KCC to collect and process the data regarding the Settlement Class Members in order to provide the required notice by that date, KCC is unable to provide the Mail Notice, Publication Notice and Website Notice to the Settlement Class by October 29, 2014.

5. Based upon its experience and expertise, KCC has represented to the Parties that it can provide the Mail Notice, Publication Notice and Website Notice by November 12, 2014 (i.e., two weeks after the original deadline of October 29, 2014). Accordingly, the Parties request that the Court amend its Preliminary Approval Order to adjust the deadline for providing Mail Notice, Publication Notice and Website Notice to November 12, 2014.

6. Many of the deadlines by which the Settlement Class Members are to act under Preliminary Approval Order (i.e., submit an opt out or object to the settlement) are dictated by the deadline for the provision of notice – 45 days from that date. [D.E. #46 ¶¶ 12, 15.] The Parties jointly request that those dates remain the same (i.e. 45 days from the date of Notice is provided).

7. In addition, the Preliminary Approval Order set as the deadline for post-marking or submitting Claim Forms as 90 days from date of entry of the Order (i.e., December 28, 2014). [D.E. #46 ¶ 9.] Because of the proposed two week delay in providing the class notice, the parties have conferred and have agreed to jointly request that this deadline also be extended fourteen days – i.e., until January 11, 2015.

8. Furthermore, the Parties request that the Court approve amending the already-approved forms of the Mail Notice, Publication Notice and Website Notice to reflect these new dates and deadlines.

9. The Parties believe that no other dates in the Preliminary Approval Order are affected by this slight delay in providing notice to the Class.

10. For the Court's consideration, the Parties attach a proposed order as Exhibit A that reflects the relief the Parties request in this Motion.

WHEREFORE, the Parties respectfully request that this Court amended its Preliminary Approval Order to extend the deadline for KCC to provide Mail Notice, Publication Notice and Website Notice to November 12, 2014, extend the deadline for Settlement Class Members to submit a timely Claim Form to January 11, 2015, approve the amendment of the previously approved forms of the Mail Notice, Publication Notice and Website Notice to conform to these revised dates, and for such further relief as the Court believes just and proper.

Respectfully submitted,

/s/ Alexander H. Burke
Alexander H. Burke
BURKE LAW OFFICES, LLC
155 N. Michigan Ave., Suite 9020
Chicago, IL 60601
(312) 729-5288

Larry P. Smith
David M. Marco
SMITHMARCO, P.C.
205 North Michigan Avenue, Suite 2940
Chicago, IL 60601
(888) 822-1777
Attorneys for Plaintiff Ronald Lees

/s/ Christine N. Czuprynski
Dan J. Hofmeister
James A. Rolfes
David Z. Smith
Christine N. Czuprynski
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, Illinois 60606
(312) 207-1000
Attorneys for Defendant Anthem Insurance Companies, Inc.

Dated: October 29, 2014

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of October, 2014, I caused the foregoing JOINT MOTION TO AMEND PRELIMINARY APPROVAL ORDER to be served upon counsel of record via the Court's ECF system.

By: /s/ Christine N. Czuprynski
Christine N. Czuprynski
REED SMITH LLP
10 S. Wacker Drive, Floor 40
Chicago, IL 60606
Telephone: (312) 207-6459
Facsimile: (312) 207-6400
Admitted Pro Hac Vice

Counsel for Defendant
Anthem Insurance Companies, Inc.,
d/b/a Anthem Blue Cross Blue Shield